

Remarks

Applicant's claims stand rejected as anticipated by Harris '704 or Bell '337. Claims 10 and 11 are also indicated to be unpatentable as obvious over Harris or Bell in view of Maben '112.

On page 2 of the Office Action, the Examiner appears to be referencing the Fezandie patent No. 454,265 in describing components with reference to front portions "A and a2", although the reference is not mentioned by name. The applicant submits that the Fezandie reference, which is directed to a wall-mounted index card holder, is not relevant in any event.

The independent claims currently presented by the applicant are claims 1 and 12. These have been amended to clearly distinguish in both function and structure from the prior art references, and it is believed that all of the claims as now presented are clearly allowable.

The introductory portion of the independent claims now calls for a container for holding components of a construction toy or the like and for facilitating recovery of such components. It is noted that the applied references, Harris '704, Bell '337 and Maben '112 are all directed to traveling suitcases which are convertible into ironing boards.

The Bell '337 patent converts into an ironing table, and includes a folding leg mechanism that would clearly preclude the use of the structure for any purpose similar to the intended purpose of the applicant's container.

The Harris '704 patent also illustrates a folding ironing board which, when opened, is intended to be used with the "container" portion thereof upside down and the entire ironing surface spaced above a supporting surface, such as a desk or table.

It is noted that, in the case of both Bell '337 and Harris '704, the hinge axis is not on the bottom structure, but is on the side structure in each case. The applicant's claims call for a top structure including a carrying handle in conjunction with a hinge structure which is incorporated into the bottom structure of the container. This is significant in that it enables a user to conveniently grip the container by its handle, using one hand, while sweeping component parts on to the open cover, using the other hand, with the ability to slide the open container over the supporting surface in a manner similar to using a "dust pan", while gathering up loose components of the construction toy system. Such operations are not feasible with the structures of Bell or Harris.

The Maben '112 patent shows a traveling convertible ironing board structure provided with a wide and narrow top panel portions individually openable to form an ironing board surface. A support 17 is provided to maintain the open

panel 11 or 12 in an elevated position thus precluding the applicant's functionality in both intent and structure.

Independent claims 1 and 12, as now amended, also call for one or a plurality of projecting support elements, forming part of the bottom structure, which extend downward below the hinge axis and provide stable support for the container in its first primary orientation, i.e., standing on its bottom structure. While the Crozier '905 patent illustrates rounded elements extending from the bottom 11 and side 14, these are unrelated to any hinge axis or to a bottom structure including a hinge structure.

It is thus believed that claims 1 and 12 clearly distinguish, both functionally and structurally, from the cited art and are properly allowable as presented.

The container of the invention, not only serves as a storage device for construction toy parts, but also can be utilized as a convenience utility to facilitate pickup and recovery of parts at the end of a play session. This container is widely used in connection with the marketing of the well known K'NEX construction toy products.

In a absence of a discovery of more relevant art, it is believed that this application is now in condition for formal allowance, and an early action to that

effect is requested.

Respectfully submitted,



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